

ENTERED

May 18, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISIONLUCINNE VENEGAS,
Plaintiff,

v.

SPACE EXPLORATION TECHNOLOGIES
CORPORATION & DOGLEG PARK, LLC,
Defendants.§
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Civil Action No. 1:21-54

ORDER

On April 16, 2021, Defendants Space Exploration Technologies Corporation and Dogleg Park, LLC, removed this case from the 444th Judicial District Court in Cameron County, Texas. Dkt. No. 1. The Defendants asserted that the Court had diversity jurisdiction over the case, given that Plaintiff Lucinne Venegas is a citizen of Texas and the Defendants are citizens of Delaware and California. Id.

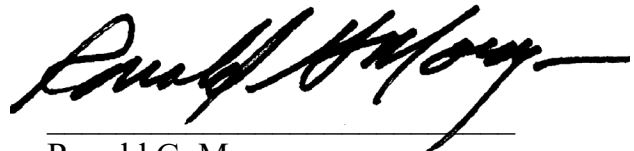
On April 30, 2021, the Plaintiff filed a motion for expedited discovery solely as to jurisdictional issues. Dkt. No. 4. The Plaintiff asserts that discovery is necessary to determine whether the Defendants are citizens of Texas, rather than California. Id.

On May 10, 2021, the Defendants filed a response, arguing that the facts demonstrate that they are citizens of California and that limited discovery is not necessary. Dkt. No. 7. On May 14, 2021, the Plaintiff filed a reply brief. Dkt. No. 8.

The motion seeking a period of discovery solely as to jurisdictional issues is denied. Dkt. No. 4. Any discovery as to where the Defendants maintain their corporate residence can be completed within the normal course of discovery. If the Plaintiff believes that the Defendants are citizens of Texas, she can file a motion to remand for lack of subject matter jurisdiction at any time prior to final judgment. 28 U.S.C. § 1447(c); see also Ragas v. Tennessee Gas Pipeline Co., 136 F.3d 455, 457 (5th Cir. 1998) (motions to remand based on lack of diversity between the parties implicate subject matter jurisdiction and are not subject to a 30-day deadline for filing).

However, the Court will expedite the normal course of discovery. The parties shall confer, pursuant to FED. R. CIV. P. 26(f), and file a joint discovery and case management plan, no later than June 7, 2021. The Court will review the submitted plan and promptly issue a scheduling order. The initial pretrial conference set for July 15, 2021, is cancelled and will not be rescheduled at this time.

DONE at Brownsville, Texas on May 18, 2021.

A handwritten signature in black ink, appearing to read "Ronald G. Morgan", written over a horizontal line.

Ronald G. Morgan
United States Magistrate Judge